

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

|                  |   |                      |
|------------------|---|----------------------|
| Jonathan Foster, | ) |                      |
|                  | ) |                      |
| Plaintiff,       | ) |                      |
|                  | ) |                      |
| v.               | ) | Case No. 6:05CN00004 |
|                  | ) |                      |
| Clayton Homes,   | ) |                      |
|                  | ) |                      |
| Luv Homes, and   | ) |                      |
|                  | ) |                      |
| CMH Homes, Inc.  | ) |                      |
|                  | ) |                      |
| Defendants.      | ) |                      |

**ANSWER**

1. The Defendants, by counsel, in response to the complaint filed against them, each respectfully allege or reserves the right to allege, after further investigation and discovery:
2. The Defendants deny that the Plaintiff is entitled to recover from them, or from any of them, the amount alleged in the complaint, or any amount whatsoever.
3. The Defendants deny that they, or any of them, violated any legal duty that they owed to the Plaintiff at any time pertinent to this matter.
4. The Defendant deny that they, or any of them, are guilty of the acts as described in the complaint, or of any acts, that proximately caused any damage to the Plaintiff.
5. The Defendants deny that the Plaintiff was damaged as the proximate result of any acts by them or any of them; or in the alternative, they deny that the Plaintiff was

damaged as alleged in the complaint; and demands strict proof of each and every item of alleged injury and damage.

6. The Defendants allege that the claim asserted by the Plaintiff in the complaint is barred by the applicable statute of limitations.
7. The Defendants allege that the Plaintiff's complaint fails to state a cause of action upon which any relief may be granted to the Plaintiff.
8. The Defendants deny each and every allegation contained in the complaint not specifically admitted herein.

WHEREFORE, Clayton Homes, LUV Homes and CMH Homes, Inc., by counsel, respectfully moves that the complaint filed against them be dismissed, and that they recover their costs and attorney's fees incurred herein in the defense of this complaint.

Respectfully submitted,

CLAYTON HOMES,  
LUV HOMES and  
CMH HOMES, INC.

By: /s/ Steven L. Higgs  
Of Counsel

STEVEN L. HIGGS, P.C. (VSB # 90566)  
Steven L. Higgs (VSB # 22720)  
9 Franklin Road, S.W.  
Roanoke, Virginia 24011-2403  
(540) 400-7990 Telephone  
(540) 400-7999 Facsimile

Counsel for the Defendants

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that I have electronically delivered and mailed a true and correct copy of the foregoing Answer, by first class mail, postage prepaid, on July 8, 2005, to:

Craig Juraj Curwood  
James B. Thorsen  
Thorsen & Scher LLP  
3810 Augusta Avenue  
Richmond, Virginia 23220-3910  
804-359-3000 (Telephone)  
804-359-3139 (Facsimile)  
ccurwood@tslaw.us  
jthorsen@tslaw.us

By: /s/ Steven L. Higgs

Our File No. 91124.019\FILES\91124.019\Answer \7/8/05